

P-999/C-88-310 REFERRING CONNEX INTERNATIONAL AND CALL POINT TO THE
DEPARTMENT OF PUBLIC SERVICE FOR FURTHER INVESTIGATION

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Barbara Beerhalter	Chair
Cynthia A. Kitlinski	Commissioner
Norma McKanna	Commissioner
Robert J. O'Keefe	Commissioner
Darrel L. Peterson	Commissioner

In the Matter of the Investigation by the
Minnesota Public Utilities Commission Into
the Provision of Telephone Conference Call
Services

ISSUE DATE: December 23, 1988

DOCKET NO. P-999/C-88-310

ORDER REFERRING CONNEX
INTERNATIONAL AND CALL POINT TO
THE DEPARTMENT OF PUBLIC SERVICE
FOR FURTHER INVESTIGATION

PROCEDURAL HISTORY

On May 10, 1988 the Department of Public Service (the Department) filed a formal complaint under Minn. Rules, part 7830.0300, alleging that certain named telephone companies were offering intrastate conference call service without Commission authorization. On May 19, 1988 the Commission issued its Order to Respond to Complaint or to Grant the Relief it Requests to four companies, including Connex International (Connex) and Call Point.

On June 9, 1988 Connex filed a motion requesting dismissal of the Department's complaint, stating that it did not provide intrastate conference call service. The Department opposed the motion on grounds that it was still investigating whether or not Connex was providing intrastate conference call services within the State.

Call Point failed to respond to the Complaint, as required by the Commission's May 19 Order. The Department requested that the Commission refer the matter to the Department for further investigation.

FINDINGS AND CONCLUSIONS

The Commission agrees with the Department that Connex's allegation that it does not provide intrastate conference call services, standing alone, is insufficient to establish its exemption from Minnesota regulation. The Department reports that Connex does provide interstate conference call services to Minnesota residents. The Commission takes administrative notice of the fact that most conference call providers do not decline intrastate business, even if their primary market is interstate and international services. If Connex wishes the Commission to find that it has no intrastate business, or that its intrastate business is too insignificant to justify regulation by this Commission, the company must come forward with facts which would support such a finding.

The Commission urges Connex to cooperate with the Department in establishing any exemption from Minnesota regulation to which it may be entitled and directs the Department to continue its investigation of the company's operations. The Commission also directs the Department to continue its efforts to secure the compliance of Call Point with the Commission's May 19 Order requiring the company to respond to the Department's Complaint.

ORDER

1. Connex International shall cooperate with the Department of Public Service in establishing the facts surrounding its claim that it conducts no intrastate conference call business and is therefore exempt from regulation by this Commission.
2. The Department shall continue its efforts to establish the facts surrounding Connex International's claim to exemption from Minnesota regulation.
3. The Department shall continue its efforts to secure the compliance of Call Point with the Commission's May 19 Order requiring the company to respond to the Department's Complaint.
4. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Mary Ellen Hennen
Executive Secretary

(S E A L)